

FIFTY-SEVENTH DAY,

(Continued.)

Senate Chamber,
Austin, Texas,
April 10, 1931.

The Senate met at 9:30 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Bills Signed.

The Chair, Lieut. Gov. Edgar E. Witt gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 7.	H. B. No. 787.
H. B. No. 9.	H. B. No. 776.
H. B. No. 124.	H. B. No. 739.
H. B. No. 13.	H. B. No. 866.
H. B. No. 477.	H. B. No. 686.
H. B. No. 570.	H. B. No. 693.
H. B. No. 571.	H. B. No. 659.
H. B. No. 744.	H. B. No. 53.
H. B. No. 760.	H. C. R. No. 40.
H. B. No. 761.	S. B. No. 37.
H. B. No. 859.	S. B. No. 334.
H. B. No. 865.	S. B. No. 337.
H. B. No. 874.	S. B. No. 268.
H. B. No. 872.	S. B. No. 222.
H. B. No. 864.	S. B. No. 301.
H. B. No. 846.	S. B. No. 371.

Bill Introduced.

By an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the introduction of general bills during the last 90 days of the session was suspended and consent was granted to introduce the following bill:

By Senator Thomason:

S. B. No. 592, A bill to be entitled "An Act to amend Section 2, Chapter 22, Acts of the Second Called Session of the Forty-first Legislature, as amended by Chapter 24, Acts of the Fifth Called Session of the Forty-first Legislature; and declaring an emergency."

Read and referred to Committee on State Affairs.

Message From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

Executive Department,
Austin, Texas, April 9, 1931.
Hon. Edgar E. Witt, President of the Senate.

I hereby appoint, subject to your confirmation, the following as members of the State Board of Nurse Examiners:

Grace Engblad of Harris County, six year term.

Lena Baker Thomas of Hunt County, two year term.

Sister Mary Charles Wolfe of Tarrant County, four year term.

Mary Grigsby of McLennan County, two year term.

Eloween Mesh of Bexar County, six year term.

Clare Louise Wright of Bell County, four year term.

Very truly yours,

R. S. STERLING, Governor.

Read and referred to the Committee on Governor's Nominations.

House Bill No. 739.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 739, A bill to be entitled "An Act fixing the compensation of county commissioners in counties having a population of not more than six thousand three hundred twenty (6,320) and not less than six thousand three hundred ten (6,310) according to the United States census of 1930, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Oneal, the constitutional rule requiring bills to be read on three several days was suspended and H. B. 739 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Holbrook. Pollard.

Read third time and finally passed
by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Holbrook. Pollard.

House Bill No. 787.

The Chair laid before the Senate
by unanimous consent the following
bill:

By Mr. Lilley:

H. B. No. 787, A bill to be entitled
"An Act to validate all ad valorem
tax levies heretofore made by incor-
porated cities and town in the State
of Texas, which levies are unenforce-
able because of failure of the gov-
erning bodies of such respective in-
corporated cities and towns to make
such levy by ordinance, and which
are unenforceable because of the
failure of such governing bodies to
appoint the statutory board of equal-
ization, or where the city council,
city commission or other governing
body of such incorporated city or
town have acted as a board of equal-
ization in the fixing of the valua-
tion of taxable property for ad val-
orem taxes within any such incorpo-
rated city or town; making this act
applicable only to counties having a
population not exceeding 30,000,
and declaring an emergency."

The committee report was adopted.

The bill was read second time and
passed to third reading.

On motion of Senator Patton, the
constitutional rule requiring bills to
be read on three several days was
suspended and H. B. 787 was put on
its third reading and final passage,
by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Holbrook. Pollard.

Read third time and finally passed
by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Holbrook. Pollard.

Simple Resolution No. 103.

Senator Purl sent up the follow-
ing resolution:

Whereas, House Bill No. 820 was
passed by the Senate on April 9th
and has been sent to the House; and

Whereas, the caption of said bill
does not conform to the body of
the bill;

Now, Therefore, Be It Resolved
that House Bill be recalled from the
House for further consideration.

PURL.

Read and adopted.

Free Conference Requested.

On motion of Senator Moore, the
Senate refused to concur in House
amendments to S. B. No. 283 and
asked for a Free Conference Com-
mittee.

Senators Excused.

On motion of Senator Purl, Senator Oneal was excused for the day on account of important business.

On motion of Senator Beck, Senator Holbrook was excused for the day on account of important business.

Messages From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, April 10, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House granted the request of the Senate for the return of H. B. No. 820 to the Senate for correction.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, April 10, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has erased the names of the officers of the House and returned H. B. No. 725 to the Senate for correction.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill No. 547.

The question recurred on the adoption of the Committee substitute for H. B. No. 547. The substitute was adopted by the following vote:

Yeas—14.

Berkeley.	Purl.
Hardin.	Rawlings.
Hopkins.	Small.
Hornsby.	Stevenson.
Parr.	Williamson.
Parrish.	Woodul.
Patton.	Woodward.

Nays—7.

DeBerry.	Neal.
Gainer.	Russek.
Loy.	Thomason.
Moore.	

Absent.

Cunningham.	Martin.
Greer.	Oneal.

Absent—Excused.

Holbrook.	Pollard.
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(Pairs Recorded.)

Senator Beck (present) who would vote nay, with Senator Holbrook (absent) who would vote yea.

Senator Cousins (present) who would vote yea, with Senator Poage (absent) who would vote nay.

Senator Woodruff (present) who would vote nay, with Senator Pollard (absent) who would vote yea.

Senator Small sent up the following amendments:

Amend committee substitute for H. B. No. 547, printed copy, by striking out Section 10 and substituting in lieu thereof the following:

"Section 10. That Article 6060 of the Revised Civil Statutes of 1925, except in so far as it imposes a license fee or tax of one-fourth of one per cent against persons owning, operating, or managing pipe lines, as provided in Section 2 of Article 6050, is hereby repealed and said fund shall be used for enforcing the provisions of Articles 6050 to 6066, inclusive."

SMALL.

Read and adopted.

Amend C. S. for H. B. No. 547, printed copy, by adding after the words: "providing for the repeal of Article 6060., in the caption, the following:

"except as herein provided."

SMALL.

Read and adopted.

Senator Berkeley sent up the following amendment:

Amend H. B. No. 547 by adding after Section 9 and before the Emergency Clause the following new Sections, viz:

Section 10. In order to supplement the State's Available School Fund, and to reduce the burdens of ad valorem taxation on the farms and homes and other property of the people, there is hereby levied a tax on all sales in intra-state commerce, in this State of cigarettes, made of

tobacco, or any substitute therefor, and weighing not more than three pounds per thousand of \$1.50 per thousand, and on those weighing more than three pounds per thousand of \$3.60 per thousand. Such tax shall be paid only once, on account of any cigarettes so sold, by the person, firm or corporation making the first sale thereof in intrastate commerce in this State, and payment shall be evidenced by stamps purchased from the State Treasurer and properly cancelled and securely affixed to the package or parcel containing the same, covering the amount of the tax thereon as levied by this Act, provided that such stamps may be purchased and cancelled and affixed to such package or parcel by a manufacturer or distributor outside this State, in which case no further payment of tax shall be required.

Sec. 11. It is the purpose and intent of this Act to relieve retail dealers in cigarettes in this State from all accountability by reason of sales thereof, except to make it unlawful to sell cigarettes on which the tax herein levied has not been paid, and which are not contained in packages or parcels to which are securely affixed the stamps evidencing payment of tax as required by this Act; and Paragraph 39 of Article 7047 of the Revised Civil Statutes of 1925, requiring dealers in cigarettes to obtain and pay an annual license authorizing such sale is hereby repealed.

Sec. 12. It shall be the duty of the State Treasurer to have engraved or printed the stamps of the proper denomination necessary to comply with this Act and to sell the same to all manufacturers or dealers upon demand and payment therefor, and one-half of the proceeds of such sale shall be placed to the credit of the State Available School Fund, and one-half thereof to the General Fund, and the State Treasurer shall be responsible for the custody and sale of such stamps and for the proceeds of such sales under his official bond. Such stamps shall be of such design as the State Treasurer shall from time to time prescribe, and shall state the amount of tax, the payment of which is evidenced thereby and shall contain the words: "Texas State Tax Paid."

Sec. 13. After this Act shall take

effect any person who shall knowingly and willfully sell or offer for sale in this State, either as principal or as agent, any cigarettes except in packages or parcels bearing the stamps, properly cancelled, evidencing the payment of the tax thereon as levied by this Act, shall, for each such sale, upon conviction be fined not less than \$500.00 or be punished by imprisonment in the county jail for not less than three (3) months or in the penitentiary for not less than one (1) year, or by both such fine and imprisonment; and any person, firm or corporation who shall sell or offer for sale, or aid or abet the sale of any cigarettes in packages or parcels not bearing the stamps, properly cancelled, evidencing the payment of the tax thereon as levied by this Act, shall be liable to the State for a penalty of \$500.00 for each such unlawful sale, to be recovered at the suit of the State in any District Court of Travis County for the benefit of the State Available School Fund.

Sec. 14. Any person, other than the State Treasurer or his duly authorized agent, who shall print or engrave or directly aid in or cause the printing or engraving of any stamp or stamps evidencing or purporting to evidence the payment of any tax levied by this Act, or who shall use or consent to the use of any counterfeit or unauthorized stamps in connection with the sale or offering for sale of any cigarettes, or shall place or cause to be placed on any package or parcel containing or to contain such cigarettes, any such unauthorized or counterfeit stamps, shall upon conviction be punished by imprisonment in the penitentiary for not less than two nor more than twenty years.

And by re-numbering Section 10 as Section 11.

And by amending the Caption to conform to the bill.

Berkeley, Thomason, Beck, Woodward, Gainer, Cunningham Woodruff, Hardin, Parrish, Moore, Greer, Neal, Parr, Patton.

The amendment was read.

Senator Hopkins raised the point of order that the amendment was out of order because bills to raise revenue must originate in the House; the Senate might amend this bill with reference to the natural gas tax but could not introduce a tax on a

new commodity in the form of an amendment to this bill, and that the amendment came within the prohibition of section 33 of Article 3 of the State Constitution.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order on the basis of a previous ruling by the Attorney General, printed on pages 65 to 67 of the Senate Journal, First Called Session Forty-first Legislature.

Senator Martin raised the point of order that amendments embodying the same substance as the pending amendment had been lost in two different forms in the House.

The Chair overruled the point of order, on the ground that no notification of this fact had been formally sent to the Senate by the House.

Executive Session.

At 11:55 o'clock a. m., the Chair announced that the hour for the executive session had arrived. The Chamber was cleared and the doors were locked.

After Executive Session.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

Committee Room,

Austin, Texas, April 10, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Governor's Nominations to whom was referred the following names for appointment for the position named therein have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that they be confirmed:

State Board of Nurse Examiners:
Grace Engblad of Harris County, six year term.

Lena Baker Thomas of Hunt County, two year term.

Sister Mary Charles Wolfe of Tarrant County, four year term.

Mary Grisby of McLennan County, two year term.

Eloween Mesch of Bexar County, six year term.

Clare Louise Wright of Bell County, four year term.

State Board of Dental Examiners, for the next ensuing statutory term:

Dr. Geo. H. Mengel, El Paso.

Dr. J. F. Clarke, Beaumont.

Dr. W. E. Sutton, Houston.

Dr. A. L. Nygard, Dallas.

Dr. W. M. Bourn, San Antonio.

Dr. W. O. Talbot, Fort Worth.

WOODUL, Chairman.

Recess.

On motion of Senator Moore, the Senate, at 12:05 o'clock p. m., recessed until 2:30 o'clock p. m.

After Recess.

The Senate met at 2:30 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

House Bill No. 725.

Senator Parr received unanimous consent to have the names of the Lieutenant Governor and the Secretary of the Senate erased from H. B. No. 725.

The vote by which the bill was finally passed was reconsidered.

Senator Parr sent up the following amendment:

Amend H. B. 725 by adding after the word "navigation" at the end of line three, and the beginning of line four, of the Caption, and also before the word "in" in line three, page 2 of Section 1, the following: "which may now have, or may hereafter have, within the boundaries of such district, a city of not less than 27,000, nor more than 28,000 inhabitants as shown by the Federal census, last proceeding such action,".

PARR.

Read and adopted by a two-thirds vote.

The bill as amended was finally passed by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage..
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Holbrook.
Oneal.

Pollard.

On motion of Senator Purl, the vote by which H. B. No. 820 was finally passed was reconsidered.

Senator Purl sent up the following amendments:

Amend the caption in House Bill No. 820 by striking out the words after the figures 325,900 "shall have the authority" and by inserting after the figures 325,900, the following: "and containing a city of not less than 260,000 and not more than 361,000 according to the preceding Federal census shall be jointly authorized with said city."

PURL.

Read and adopted by a two-thirds vote.

Amend House Bill No. 820, Section 1, line 4, by inserting the word "containing" between the words "and" and "a".

PURL.

Read and adopted by a two-thirds vote.

Amend House Bill No. 820, Section 1, line 7, by inserting between the words "authorized" and "to" the words "with said city".

PURL.

Read and adopted by a two-thirds vote.

The bill as amended was finally passed.

House Bill No. 547.

The question recurred upon the the pending amendment to H. B. No. 547.

Senator Williamson raised the following point of order:

Austin, Texas, April 10, 1931.

Mr. President: I raise the point of order that the amendment now pending to H. B. No. 547 is out of order as Rule 66 of the Senate Rules provides that after a bill or resolution has been considered and defeated by either branch of the Legislature, no bill or resolution containing the same substance shall be passed into a law during the same session.

To substantiate this point of order, I call your attention to Page 988 of the House Journal wherein you will find that H. B. No. 608

failed to be printed on minority report, and the motion to print was tabled.

I further call your attention to Page 1100 of the House Journal where another Bill, H. B. No. 566, on the same subject failed to be printed on a minority report in the same manner as H. B. No. 608.

Respectfully submitted,
WILLIAMSON.

The Chair, Lieutenant Governor Edgar E. Witt stated that, whether or not the bills referred to by Senator Williamson in his point of order had been technically killed—which he was not in position to say—he was of the opinion that they were not the same as the amendment offered by Senator Berkeley because they provided for a tax on cigars as well as cigarettes and provided for a different rate of taxation, while the pending amendment provided a tax on cigarettes only, hence the points of order raised by Senator Williamson were overruled.

Senator Loy sent up the following amendment to the amendment:

Any person within this State, who shall have in his or her possession any unbroken package of cigarettes without the revenue stamp provided by this act, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one dollar nor more than \$25.00.

MARTIN,
LOY,
POAGE.

The amendment to the amendment was read.

Senator Woodruff moved the previous question on the amendment to the amendment. The motion prevailed.

The amendment to the amendment was lost by the following vote:

Yeas—5.

DeBerry.	Martin.
Gainer.	Poage.
Loy.	

Nays—15.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Purl.
Greer.	Small.
Hardin.	Thomason.
Hornsby.	Woodul.
Moore.	Woodward.
Neal.	

Present—Not Voting.

Williamson.

Absent.

Cunningham.	Russek.
Hopkins.	Stevenson.
Rawlings.	Woodruff.

Absent—Excused.

Holbrook.	Patton.
Oneal.	Pollard.

Senator Moore moved the previous question on the amendment and the further consideration of the bill. The previous question was ordered by the following vote:

Yeas—12.

Berkeley.	Parrish.
Gainer.	Small.
Hardin.	Williamson.
Hornsby.	Woodruff.
Moore.	Woodul.
Parr.	Woodward.

Nays—10.

Beck.	Martin.
DeBerry.	Neal.
Greer.	Poage.
Hopkins.	Purl.
Loy.	Thomason.

Present—Not Voting.

Cousins.

Absent.

Cunningham.	Russek.
Rawlings.	Stevenson.

Absent—Excused.

Holbrook.	Patton.
Oneal.	Pollard.

Senator Poage received unanimous consent to send up and have printed in the Journal the following amendment:

Amend pending amendment to H. B. No. 547 in the rewritten "Section 10" thereof for substituting for the first sentence of said Section 10 the following:

"Sec. 10. In order to supplement the State's Available School Fund, and to reduce the burdens of ad valorem taxation on the farm and home and other property of the people, there is hereby levied a tax on all sales in intra-state commerce in this State of cigarettes and cigars,

made of tobacco, or any substitute therefor, and on cigarettes weighing not more than three pounds per thousand of \$1.50 per thousand, and on cigarettes weighing more than three pounds per thousand of \$3.60 per thousand and on all cigars retailing for five cents or less of one cent per cigar and on all cigars retailing for six cents or more of 2 cents per cigar.

POAGE.

The amendment by Senator Berkeley was adopted by the following vote:

Yeas—18.

Beck.	Parr.
Berkeley.	Parrish.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Small.
Hornsby.	Thomason.
Loy.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Nays—3.

Cousins.	Hopkins.
DeBerry.	

Absent.

Cunningham.	Stevenson.
Russek.	

Absent—Excused.

Holbrook.	Pollard.
Oneal.	

(Pairs Recorded.)

Senator Martin (present) who would vote nay, with Senator Patton (absent) who would vote yea.

Senator Williamson (present) who would vote nay, with Senator Rawlings (absent) who would vote yea.

REASON FOR VOTE.

I have been cut off by a move of the previous question. I voted against the amendment because I do not believe it a sound policy for one State to tax the agricultural products of another.

COUSINS.

The bill was passed to third reading.

On motion of Senator Purl the constitutional rule requiring bills to be read on three several days was

suspended and H. B. 547 was put on its third reading and final passage, by the following vote:

Yeas—22.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
DeBerry.	Parrish.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Small.
Hopkins.	Thomason.
Hornsby.	Woodruff.
Loy.	Woodul.
Martin.	Woodward.

Absent.

Cunningham. Williamson.

Absent—Excused.

Holbrook.	Rawlings.
Oneal.	Russek.
Patton.	Stevenson.
Pollard.	

Read third time and finally passed by the following vote:

Yeas—22.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
DeBerry.	Parrish.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Small.
Hopkins.	Thomason.
Hornsby.	Woodruff.
Loy.	Woodul.
Martin.	Woodward.

Absent—Excused.

Cunningham.	Pollard.
Holbrook.	Russek.
Oneal.	Stevenson.
Patton.	

(Pair Recorded.)

Senator Williamson (present) who would vote nay, with Senator Rawlings (absent) who would vote yea.

REASON FOR VOTE.

I vote for the bill having already voted against the Tobacco Tax that has been tied on to the bill. I desire to vote for the Gas Tax, but am against the Tobacco Tax for reason just stated.

COUSINS.

Reason for Vote.

On the amendment to H. B. No. 547, which was the cigarette tax amendment I voted no because I believed it was a obvious attempt to kill the House gas tax bill which levied a 2 3-4 per cent tax, however when it was adopted I voted for the bill carrying the gas tax and cigarette tax.

DeBERRY.

Messages from the House.

Hall of the House of Representatives, Austin, Texas, April 10, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House failed on March 18, to pass

H. J. R. No. 23, Proposing an amendment to the Constitution of Texas by amending Section 2 of Article 4, to provide that the Governor, Lieutenant Governor and Attorney General shall be elected by the qualified voters of the State at the same time and places of election for members of the Legislature; providing for an election, and making an appropriation to pay expenses.

That on March 9, 1931. H. B. No. 139 was amended by striking out the enacting clause.

H. B. No. 139, A bill to be entitled "An Act providing that the tax collector of Travis county, Texas, shall hereafter upon the city of Austin complying with the terms of this act pay over to the city of Austin all State taxes except certain special constitutional taxes collected within the corporate limits of the city of Austin; providing that said taxes when so delivered to the city of Austin shall be the property of the city of Austin, providing for receipts therefor, providing that a compliance with this act by the collector shall relieve him of any civil or criminal liability imposed by any other statute in conflict herewith, etc., and declaring an emergency."

That on March 26, 1931, the House postponed indefinitely

H. B. No. 390, A bill to be entitled "An Act to restore and confer upon the county court of Mills county the civil jurisdiction belonging to said court under the Constitution and General Statutes of Texas; defining the civil jurisdiction of said court;

conforming the jurisdiction of the district court of said county to said change; fixing the time of holding court; repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

That on March 26, 1931, the House refused to pass to engrossment H. B. No. 790. Motion to reconsider the vote filed.

H. B. No. 790, A bill to be entitled "An Act providing for civil service in the sheriff's office in all counties in this State having a population of not less than 325,000 nor more than 350,000, according to the latest United States census; providing for continuance of employes now in said office with previous experience of six months, etc., and declaring an emergency."

That the House postponed indefinitely March 25, 1931,

H. B. No. 804, A bill to be entitled "An Act fixing the compensation of deputies and assistants to county and district officers in counties having a population of not less than 48,935 and not more than 49,000, according to the last United States census. and declaring an emergency."

That on April 8, 1931, the House postponed indefinitely

H. B. No. 894, A bill to be entitled "An Act amending Chapter 24, Section 2, General and Special Laws, Regular Session, Forty-first Legislature, so as to give the county court at law, number 2, of Harris county, civil jurisprudence of such cases as may be transferred to it from the county court at law of Harris county and adding to said Chapter 24 a provision authorizing the appointment of an official court reporter, and declaring an emergency."

On April 7, 1931, the House amended H. B. No. 912 by striking out the enacting clause. Motion to reconsider the vote and to table the motion to reconsider prevailed.

H. B. No. 912, A bill to be entitled "An Act providing for the extension of the benefits of Senate Bill No. 310, passed by the Regular Session of the Forty-second Legislature, to persons who have previously made leases and for the refunding to them the money heretofore paid, and declaring an emergency."

That the House has failed to pass to third reading Senate Bill No. 176 by a vote of 35 yeas and 85 nays.

Motion to reconsider the vote and

to table the motion to reconsider prevailed.

S. B. No. 176, A bill to be entitled "An Act providing no officer in this State shall receive any fee for any arrest, commitment or conviction of any person violating any State law or city ordinance regulating the driving, use and operation of motor vehicles over the highways of this State; making exceptions, repealing all laws or parts of laws in conflict herewith."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, April 10, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. B. No. 683 by a vote of 85 yeas and 23 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, April 10, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has failed to adopt H. C. R. No. 9. Motion to reconsider and table failed. Motion to reconsider failed.

H. C. R. No. 9, Relative to Garrett Cotton Acreage Reduction Plan.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, April 10, 1931,

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. B. No. 59 by a vote of 104 yeas to 0 nays.

The House has concurred in Senate Amendments to H. B. No. 725 by a vote of 107 yeas and 0 nays.

The House has concurred in Senate Amendments to H. B. No. 820 by a vote of 102 yeas and 1 nay.

The House has concurred in Senate Amendments to H. B. No. 610 by a vote of 103 yeas to 0 nays.

The House has concurred in Senate

Amendments to H. B. No. 463 by a vote of 103 yeas and 0 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, April 10, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee Report on S. B. No. 54 by a vote of 102 yeas and 2 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Free Conference Report.

Senator Woodward sent up the following Free Conference Committee report:

Committee Room.

Austin, Texas, April 9, 1931.

Hon. Edgar E. Witt, President of the Senate.

Hon. Fred Minor, Speaker of the House of Representatives,

Sirs: We, your conference committee, appointed by your respective bodies to consider S. B. No. 54 and to adjust the differences between the two Houses, having had said bill that we have reached the following under consideration, beg to report agreement, to-wit:

We have eliminated House Amendment which struck out the words in lines 31 and 32 "since his conviction," leaving the original bill to contain said words as they appeared in the original bill:

Our reason for rejecting the House Amendment which struck out the words "since his conviction," lines 31 and 32 of the bill is because said amendment would result in confusing the procedure of determining insanity after conviction with the procedure determining the issue of insanity before conviction.

We have changed the House Amendments which added to words, line 4, page 2, after the word "prison," "or County Physician of the Home County of the defendant or the county where he was convicted," so as to read as follows: "or the county health officer of the county where the defendant was finally convicted."

Our reason for changing the lan-

guage is that the amendment referred to the officer as "the county physician," whereas his correct title is "county health officer," and the reason for eliminating the words "home county" is because it is difficult at times to determine the home county of a transient person and is likely to bring about confusion in the Statute.

We further report that the authors of the amendment herein eliminated and herein reworded, have been consulted and are agreeable to our report in this respect.

Having carefully considered the bill and all amendments it is our opinion that all amendments adopted by the House to the Senate Bill should remain except as to the amendment above eliminated and the amendment reworded as hereinabove explained, we therefore recommend that the bill, in accordance with our recommendations, become the law and that this report, as made by your conference committee, be adopted.

Respectfully submitted,

WOODWARD,

MARTIN,

HORNSBY,

PURL,

SMALL,

On part of the Senate.

BURNS of Walker,

FARRAR,

DAVIS,

GRAVES,

ANDERSON.

On part of the House.

Read and adopted by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Holbrook.	Pollard.
Oneal.	

Conference Committee Appointed.

The Chair announced the appointment of the following Conference Committee on S. B. No. 283:

Senators Moore, Gainer, Woodruff, Hardin, and Hornsby.

Adjournment.

Senator Woodward moved to adjourn until Monday morning at 10 o'clock.

Senator Greer moved to adjourn until tomorrow morning at 10 o'clock.

The motion to adjourn until Monday morning prevailed by the following vote:

Yeas—15.

Berkeley.	Purl.
Cousins.	Small.
Gainer.	Thomason.
Hardin.	Williamson.
Hopkins.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Parr.	

Nays—8.

Beck.	Loy.
DeBerry.	Neal.
Greer.	Parrish.
Hornsby.	Poage.

Absent.

Cunningham.

Absent—Excused.

Holbrook.	Rawlings.
Oneal.	Russek.
Patton.	Stevenson.
Pollard.	

At 6:09 o'clock p. m. the Senate adjourned.

APPENDIX.**Committee on Enrolled Bills.**

Committee Room,
Austin, Texas, April 10, 1931.
Hon. Edgar E. Witt, President of the Senate

Sir: We, your Committee on Enrolled Bills have had S. B. No. 37, carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, April 10, 1931.
Hon. Edgar E. Witt, President of the Senate

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 334 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, April 10, 1931.
Hon. Edgar E. Witt, President of the Senate

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 337 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, April 10, 1931.
Hon. Edgar E. Witt, President of the Senate

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 268 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, April 10, 1931.
Hon. Edgar E. Witt, President of the Senate

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 222 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, April 10, 1931.
Hon. Edgar E. Witt, President of the Senate

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 301 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, April 10, 1931.
Hon. Edgar E. Witt, President of the Senate

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 371 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, April 10, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to

whom was referred H. B. No. 335, Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WILLIAMSON, Chairman.

Committee Room,
Austin, Texas, April 10, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred H. B. No. 336, Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WILLIAMSON, Chairman.

Committee Room,
Austin, Texas, April 10, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred S. B. No. 181, Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that committee substitute do pass in lieu thereof.

WILLIAMSON, Chairman.

Committee Room,
Austin, Texas, April 10, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 943, A bill to be entitled "An Act to prohibit the hunting, trapping, ensnaring, killing or possession of any wild quail of any specie or any wild turkey or either of them within the limits of the Counties of Atascosa and Frio, State of Texas, for a period of five (5) years from and after the passage of this act; providing a penalty therefor; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOORE, Chairman.

Committee Room,
Austin, Texas, April 10, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 915, A bill to be entitled "An Act making it unlawful for any person in using a seine or net for the taking of any fish in Case or Bowie Counties to disturb, agitate or beat upon or in the waters at the time of using said seines or nets, fixing a penalty, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOORE, Chairman.

Committee Room,
Austin, Texas, April 10, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 907, A bill to be entitled "An Act fixing a period of time when it shall be lawful to take, hunt, and kill squirrels in Panola County; defining a misdemeanor; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOORE, Chairman.

Committee Room,
Austin, Texas, April 9, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 591, A bill to be entitled "An Act authorizing the Governor on the recommendation of the State Highway Commission to convey title to land acquired by the State for highway purposes where after the acquisition thereof such land is no longer needed for such purposes because of a change in the route of such highway, or the abandonment thereof; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,
Austin, Texas, April 9, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 898, A bill to be entitled

"An Act prohibiting the hunting, taking or shooting of any wild deer in Coryell or Hamilton Counties for five (5) years, and fixing a penalty.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOORE, Chairman.

Committee Room,
Austin, Texas, April 9, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 278, A bill to be entitled "An Act providing for an open season of four (4) days on prairie chicken except in certain counties etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,
Austin, Texas, April 9, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 50.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOORE, Chairman.

FIFTY-EIGHTH DAY.

Senate Chamber,
Austin, Texas,
April 13, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Gainer.
Berkeley.	Greer.
Cousins.	Hardin.
Cunningham.	Holbrook.
DeBerry.	Hopkins.

Hornsby.
Loy.
Martin.
Moore.
Neal.
Oneal.
Parr.
Parrish.
Poage.
Pollard.

Purl.
Rawlings.
Russek.
Small.
Stevenson.
Thomason.
Williamson.
Woodruff.
Woodul.

Absent—Excused.

Patton.

Woodward.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Williamson.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

Senator Cunningham moved that the constitutional rule relating to the introduction of General Bills during the last 90 days of the session be suspended and consent granted to introduce a bill repealing the law concerning ownership of stock in domestic corporations by foreign corporations. The motion was lost by the following vote:

Yeas—23.

Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Greer.	Pollard.
Hardin.	Purl.
Holbrook.	Russek.
Hornsby.	Small.
Loy.	Stevenson.
Martin.	Thomason.
Moore.	Williamson.
Neal.	Woodruff.
Oneal.	

Nays—1.

Woodul.

Absent.

Beck.	Gainer.
Cousins.	Rawlings.

Absent—Excused.

Hopkins.	Woodward.
Patton.	